

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Thomas E. Johnson,

Civil No. 12-172 (RHK/JJG)

Plaintiff,

ORDER

v.

Metropolitan Life Insurance Company,

Defendant.

Based upon the Stipulation by and between Plaintiff Thomas E. Johnson and Defendant Metropolitan Life Insurance Company (Doc. No. 4), **IT IS ORDERED** that the Complaint is **DISMISSED WITHOUT PREJUDICE** under and pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure. Defendant will permit Plaintiff to submit an appeal of his initial claim for Plan benefits, will administer the claim in accordance with the terms of the Plan and applicable law, and will not raise the statute of limitations relating to Plaintiff's submission of his appeal of the initial denial of benefits as a defense in any later court proceeding involving these claims.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 21, 2012

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge